

## MEMORANDUM

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Agenda Item No. 3 (D)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

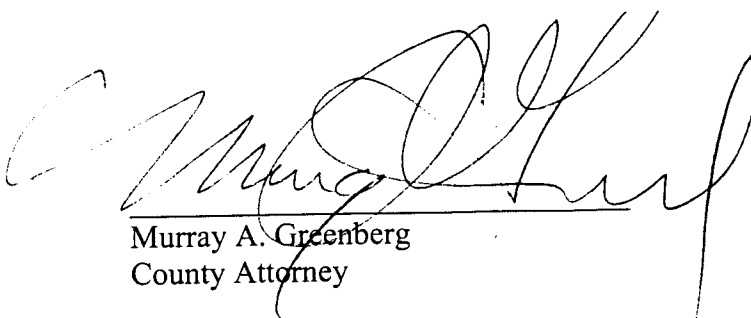
**DATE:** October 11, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance pertaining to  
zoning regulation of signs  
and enforcement of sign  
regulations

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.



Murray A. Greenberg  
County Attorney

MAG/bw

# Memorandum



**Date:**

**To:** Honorable Chairman Joe A. Martinez  
And Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

**Subject:** Revised Fiscal Impact Statement pertaining to the zoning regulation of signs and enforcement of sign regulations Ordinance

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This is a revised fiscal impact statement for Item 7(H) on the September 8, 2005 Board of County Commissioner's Meeting agenda. This revised fiscal impact statement differs from the original in that it clarifies the potential fiscal impact to Team Metro should the Board limit code enforcement of signs in other municipalities to Class C (outdoor advertising) signs whereas the original included Class A and Class B signs as well. This also addresses concerns raised by members of the Infrastructure and Land Use Committee at its meeting of August 16, 2005.

This ordinance pertaining to zoning regulation of signs and enforcement of sign regulations by amending sections 33-82, 33-86, 33-92 and 8CC-10, and creating sections 33-121.28-121-33 of the Code of Miami-Dade County will have a fiscal impact to Miami-Dade County.

The implementation of the proposed ordinance potentially affects the operations of the Miami-Dade County Department of Planning and Zoning (DP&Z), Team Metro and municipalities. DP&Z would now be responsible for issuing compliance determinations for Class C (outdoor advertising) signs in both the unincorporated and incorporated area of Miami-Dade County. DP&Z would continue its current responsibility for the issuance of sign permits in unincorporated Miami-Dade County. Team Metro would continue to be responsible for enforcement of the minimum standards established in the County's sign code in the unincorporated area and in incorporated areas where municipal enforcement does not occur.

The proposed ordinance identifies the Busway Right-of-Way as a new corridor and prohibits Class C signs within the Right-of-Way. The ordinance does not create new regulations for Class A or Class B signs within the Right-of-Way.

The proposed ordinance also makes explicit the County's authority to enforce the minimum standards of Article VI of Chapter 33 of the Code of Miami-Dade County within municipalities. Historically, the Board has not given direction to enforce these provisions of the zoning code within incorporated areas; therefore, enforcement of the Sign Code by Team Metro has been exclusively within the Unincorporated Municipal Service Area (UMSA).

This report describes the fiscal impact should the Board decide to make a minor change of the current sign code enforcement policy. This scenario is presented following the discussion of code violations of Class C signs during the Infrastructure and Land Use Committee at its meeting of August 16, 2005. This impact estimates the added cost of expanding sign code enforcement within municipalities only to include Class C signs. All other type of reported sign code violations would be referred to the municipality for enforcement and the County's complaint case would be closed.

In this case, fiscal impact will be primarily in the way of modifications to the Team Metro Case Management System and the Geographical Information System (GIS) as complaint calls received through 311 may be referred to municipalities. These costs are estimated to be \$22,100.00. The cost of modification to the 311 Customer Service Request (CSR) software application cannot be estimated at this time. There is minimal cost impact to the day-to-day operation of code enforcement field staff. The Department of Planning and Zoning has already identified all Class C signs in Miami-Dade County and each municipality's sign code standards. This research will facilitate any enforcement necessary by Team Metro.

The fiscal impact of a policy direction that is broader than the scenario presented would depend upon the additional code sections to be enforced and the extent to which enforcement may be pursued. A broader policy on enforcement would likely require additional resources to maintain the current service levels and response rates for the unincorporated area. We cannot estimate this cost until a policy direction is determined by the Board.

Furthermore, if adopted and implemented, the impact of the proposed ordinance on municipalities will be limited. Under the current zoning code, municipalities are already required to meet the minimum standard established in the sign code for sign regulation in the unincorporated area and the incorporated area of Miami-Dade County. Under the proposed ordinance municipalities may not issue a Class C sign permit until the director of DP&Z has issued a written determination that the proposed Class C sign would be in compliance with spacing requirements and municipalities will be required to submit to the DP&Z copies of all sign permits within 30 days of issuance. The fiscal impact of providing expanded service would include the creation of a database and the purchase of a scanner for permit documents in order to archive the permit information at an estimated cost to DP&Z of (\$8,500).

The combined total fiscal impact to Miami-Dade County, if this ordinance is approved by the Board, is estimated at \$30,600.

Finally, violations of this ordinance may result in citations under Chapter 8CC. The costs of pursuing such violators may be recovered. Whether utilizing the enforcement mechanisms available under Chapter 8CC citations will result in additional revenue to the County is difficult to determine at this time.



Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** September 8, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

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"4-Day Rule" ("3-Day Rule" for committees) applicable if raised

6 weeks required between first reading and public hearing

4 weeks notification to municipal officials required prior to public hearing

Decreases revenues or increases expenditures without balancing budget

Budget required

Statement of fiscal impact required

Bid waiver requiring County Manager's written recommendation

Ordinance creating a new board requires detailed County Manager's report for public hearing

Housekeeping item (no policy decision required)

No committee review

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ZONING  
REGULATION OF SIGNS AND ENFORCEMENT OF  
SIGN REGULATIONS; AMENDING SECTIONS 33-82,  
33-86, 33-92 AND 8CC-10, AND CREATING SECTIONS  
33-121.28-121.33 OF THE CODE OF MIAMI-DADE  
COUNTY, FLORIDA ("CODE"); PROVIDING  
PENALTIES; PROVIDING SEVERABILITY,  
INCLUSION IN THE CODE AND AN EFFECTIVE  
DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS  
OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33-82. of the Code of Miami-Dade County, Florida, is hereby  
amended as follows:<sup>1</sup>

**Sec. 33-82. Short title, ~~[[and]]~~ applicability >>and enforcement<<.**

- (a) This article shall be known as the "Sign Code of >>Miami<< Dade  
County, Florida" and shall be applicable in the unincorporated areas  
~~[[of Dade County,]]~~ and specifically in the incorporated areas of  
>>Miami<< Dade County. >>This article establishes the minimum  
standards for signs in Miami-Dade County. Any municipality may  
adopt and enforce more restrictive regulations. Wherever this Sign  
Code is more restrictive than a municipal ordinance or regulation, the  
provisions of the sign code shall prevail.<< When the provisions of  
this article are applicable to a municipality, the municipality shall be  
responsible for enforcement. >>Notwithstanding the foregoing, the  
Director of the Miami-Dade County Department of Planning and  
Zoning, or designee, shall also have the authority to enforce minimum  
standards established in this article upon prior notice to the affected  
municipality.<<

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<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or  
>>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and  
remain unchanged.

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>>(c) This article shall be enforceable in accordance with the provisions of Chapter 8CC of this Code. Violations of this article shall also be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the county court. Any continuing violations of the provisions of this division may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purpose.<<

**Section 2.** Section 33-86 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-86. Permits required.**

(a) Applications and permits. No sign, unless excepted >>by Section 33-94<< ~~[[by this article]]~~, shall be erected, constructed, posted, painted, altered, maintained, or relocated, ~~[[except as provided in this article and]]~~ until a permit has been issued by the >>Director of the Miami-Dade County << Department >>of Planning and Zoning, or designee, or the appropriate municipal department.<< Before any permit is issued, an application for such permit shall be filed >>with the County or appropriate municipal department<< together with three (3) sets of drawings and/or specifications (one (1) to be returned to the applicant) as may be necessary to fully advise and acquaint the issuing department with the location, method of construction, type of materials, manner of illumination, method of erection, securing or fastening, number and type of signs applied for, and advertisement to be carried>>, and a survey demonstrating that the proposed site meets the required spacing from existing permitted signs and protected areas<<. All signs which are electrically illuminated by neon or any other means shall require a separate electric permit and inspection. >>No Class C sign shall be erected, constructed, posted, painted, altered, maintained or relocated, except as provided in this article. Where the proposed Class C sign site is located within a municipality, in addition to any permit requirements established by such municipality, the applicant shall file with the Department a copy of the permit application, one (1) set of the required drawings and/or specifications, and one (1) copy of the required survey. Within fifteen (15) calendar days after receipt of the permit application, required drawings and/or specifications, the Director shall issue and transmit to the affected municipality a determination of compliance or noncompliance with this article. No such Class C sign permit may be issued by a municipality without the prior written

determination of the Director that the proposed sign is in compliance with the provisions of this article. In incorporated areas of Miami-Dade County, any municipality issuing permits for signs shall transmit a copy of each such permit to the Department of Planning and Zoning within thirty (30) calendar days after issuing the permit.<<

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**Section 3.** Section 33-92 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-92. Responsibility for Sign.**

The owner and ~~[[/or]]~~ tenant of the premises >>where a sign is erected<<, ~~[[and]]~~ the owner and ~~[[/or]]~~ >>the<<erector of the sign shall be held responsible for any violation of this article; provided, however, that when the sign has been erected in accordance with this article, the sign company shall be relieved of further responsibility after final approval of the sign

**Section 4.** Division 7 of the Sign Code of Miami-Dade County, Florida, is hereby created as follows:

**>>DIVISION 7. BUSWAY RIGHT-OF-WAY**

**Sec. 33-121.28. Definitions.**

(a) Busway right of way map shall mean an official map designating outside boundaries for the Miami-Dade Transit Busway for Miami-Dade County, Florida, a copy of which is attached hereto, which shall be certified by the Clerk of the Board as the official busway zoning right-of-way map, and which shall be maintained on file in the records of the Department of Planning and Zoning. The busway zoning map may from time to time be altered, enlarged, amended or deleted by ordinance.

(b) Applicable regulations shall mean any pertinent zoning or building ordinance or other legislation regulating the use of signs in the incorporated or unincorporated areas of Miami-Dade County.

(c) *Busway protected areas* shall mean all property in Miami-Dade County within three hundred (300) feet of the busway right-of-way.

(d) *Sign* shall mean any display of characters, letters, illustrations or any ornamentation designed or used as an advertisement, announcement or to indicate direction.

(e) *Erect* shall mean to construct, build, rebuild (if more than 50% of the support structure is involved), relocate, raise, assemble, place, affix, attach, paint, draw, or in any other manner bring into being or establish a sign.

**Sec. 33-121.29. Signs prohibited in protected areas.**

It shall be unlawful to erect, permit or maintain any Class C (outdoor advertising) sign in protected areas.

**Sec. 33-121.30. Nonconforming signs.**

Signs which have been lawfully erected prior to the effective date of this division may continue to be maintained as provided in Section 33-35 of this chapter.

**Sec. 33-121.31. Variances.**

Relief from the requirements of this section shall only be permitted pursuant to the requirements in Section 33-311(A)(4)(a) of the Code of Miami-Dade County.

**Sec. 33-121.32. Repeal clause.**

All County and municipal ordinances, County and municipal resolutions, municipal charters, special laws applying only to Miami-Dade County or any municipality in Miami-Dade County, or any general law which the Board of County Commissioners is authorized by the Constitution to supersede, nullify, modify or amend, or any part of such ordinance, resolution, charter or law, in conflict with any provision of this division, is hereby repealed.<<



**Sec. 33-121.33. Reserved.**

**Section 5.** Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 8CC-10. Schedule of civil penalties.**

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
33-107	Failure to maintain the landscaping, or the Class C sign in good condition or the sign site free from trash and debris	\$[[+]]>>5<<00.00
33-107	Failure to remove Class C sign at cancellation of permit >> <u>First offense</u> <<	[[500.00]] >>1,000.00<<
>>33-107	<u>Failure to remove Class C sign at cancellation of permit</u> <u>Second offense</u>	2,000.00
33-107	<u>Exceeding maximum Class C Sign Size</u>	1,000.00
33-107	<u>Exceeding the maximum height for a Class C sign</u>	1,000.00

<u>33-107</u>	<u>Failure to meet setback or spacing requirements for Class C sign</u>	<u>1,000.00</u>
<u>33-121.12</u>	<u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u>	<u>2,000.00</u>
<u>33-121.14</u>	<u>Failure to remove nonconforming sign</u>	<u>2,000.00</u>
<u>33-121.21</u>	<u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u>	<u>2,000.00</u>
<u>33-121.24</u>	<u>Failure to remove nonconforming sign</u>	<u>2,000.00</u>
<u>33-121.29</u>	<u>Unlawfully erecting, permitting or maintaining a prohibited sign in a protected area</u>	<u>2,000.00</u>
<u>33-121.31</u>	<u>Failure to remove nonconforming sign</u>	<u>2,000.00</u> <<

**Section 6.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 7.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

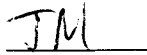
**Section 8.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

A handwritten signature in black ink, appearing to be "JAC", written over a horizontal line.

Prepared by:  
John McInnis

Handwritten initials "JM" in black ink, written over a horizontal line.

Sponsored by Commissioner Katy Sorenson